IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1019 OF 2002

Shri Vilas Vishram Jadhav ... Petitioner

V/s

The General Manager,

BEST UNDERTAKINGS & Ors. ... Respondents

Mrs. Neeta Karnik for petitioners

Ms. Rita Vora i/b Cr. Bayleg & Co. for respondent No.1

Coram : (Dr.)D.Y.Chandrachud,J.

Dated : 18th March, 2005.

P.C. :-

. The charge of misconduct has been held to be duly proved. The order of the Labour Court has been confirmed by the Industrial Court. The petitioner was working as a conductor in the BEST Undertaking. When the checking squad inspected the bus in which the petitioner was assigned as a conductor on 3.2.1999 the Petitioner was found to have collected an amount of Rs.100/- from a group of 6 passengers and had returned Rs.82/- without issuing tickets. On seeing the Inspector checking the tickets of the passengers alighting from the bus, the petitioner

removed 6 unpunched tickets each of Rs.3/- and tried to issue the same to the passengers. The charge was also that the petitioner had carried an additional bunch of tickets with him and had mixed up with his personal cash without making an endorsement on the ticket memo.There was also a shortage of Rs. 17.61 ps. An disciplinary enquiry has been held and it was held to be fair and proper.Both the Courts below have declined to interfere with the punishment imposed on the petitioner holding that the misconduct stood proved. The exercise of jurisdiction by both the Courts cannot be regarded as perverse or as suffering from any errors on the face of the record. The learned counsel appearing on behalf of the petitioner submits that looking to past record of the petitioner which was otherwise without blemish, the petitioner may be given a chance to make a representation before the competent authority. This court cannot stand in the way of the authority considering a representation if one is made. In so far as the present proceeding is concerned, there is no merit in the Petition.Accordingly, the petition stands dismissed.

(Dr.)D.Y. Chandrachud, J.